

to the world that the U.S. military will always support our friends, deter our adversaries, and, if necessary, defeat them.

Lloyd Austin is the right person for the job. He has the experience, the vision, and the competence to run the largest agency in our government. I look forward to confirming his nomination shortly.

Afterward, the Senate must continue to install President Biden's team by confirming Secretaries of State, Homeland Security, and Treasury. We need Republican cooperation to confirm these nominees, but we expect that cooperation to continue. The continuity of our national security, military, and intelligence policy, as well as our ability to effectively respond to the current health and economic crises, depend on having these Cabinet officials confirmed.

Now, as I mentioned, the Senate will also conduct a second impeachment trial for Donald Trump. I have been speaking to the Republican leader about the timing and duration of the trial, but—make no mistake—a trial will be held in the U.S. Senate, and there will be a vote on whether to convict the President.

I have spoken to Speaker PELOSI, who informed me that the article will be delivered to the Senate on Monday.

Now, I have heard some of my Republican colleagues argue that this trial would be unconstitutional because Donald Trump is no longer in office—an argument that has been roundly repudiated, debunked by hundreds of constitutional scholars—left, right, and center—and defies basic common sense. It makes no sense whatsoever that a President or any official could commit a heinous crime against our country and then be permitted to resign so as to avoid accountability and a vote to disbar them from future office. It makes no sense.

Regardless, the purveyors of this unusual argument are trying to delay the inevitable. The fact is, the House will deliver the Article of Impeachment to the Senate. The Senate will conduct a trial of the impeachment of Donald Trump. It will be a full trial. It will be a fair trial. But make no mistake, there will be a trial, and when that trial ends, Senators will have to decide if they believe Donald John Trump incited the insurrection against the United States.

Now, over the course of elections in November and January, the American people chose to retire four Republican Senators and elect a Democratic majority to this Senate. The Senate must now take the basic step of passing an organizing resolution and setting up the rules for a Senate where there are 50 Members of either party.

Luckily, we have a clear precedent for what to do in this situation. In 2001, then-Majority Leader Lott and Minority Leader Daschle came together and agreed on a set of rules to govern a 50-50 Senate. We should follow that precedent.

We have offered to abide by the same agreement the last time there was a 50-50 Senate. What is fair is fair. That is precedent. We could organize the Senate today if both sides agreed to abide by the same rules as last time.

The Republican leader, however, has made an extraneous demand that would place additional constraints on the majority—constraints that have never been in place before. In fact, his proposal would remove a tool that the Republican leader himself used twice in just the last Congress to accelerate the confirmation of Republican nominees.

Leader McCONNELL's proposal is unacceptable, and it won't be accepted. And the Republican leader knew that when he first proposed it.

Only 2 days ago, we celebrated the inauguration of a new President and the turning over of a new leaf. The American people want us to work together and move past the meaningless political fights and gridlock that have plagued us for too long.

It is time to get to work. A first step is for the Republican caucus to agree to follow the same precedent that governed the Senate the last time around. I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER (Mr. MANCHIN). The Republican leader is recognized.

NATIONAL GUARD

Mr. McCONNELL. Mr. President, yesterday evening, we learned that some of the National Guard forces who were helping protect the Capitol Complex were being made to rest in parking garages between their shifts. I don't think a single Senator feels that was acceptable. I am glad the situation was resolved, and I hope we learn exactly what happened.

In that regard, I want to thank all the National Guard, including more than 300 Kentucky Guardsmen, and local and Federal law enforcement who helped supplement our very own Capitol Police in the wake of January 6. Your Congress and your country appreciate all you have done to secure the Capitol and the inauguration.

Later today, I will have the honor of meeting a number of my Kentuckians who have been helping out here at the Capitol. It is going to be the highlight of my day.

In the near future, Congress needs to smartly transition toward a more sustainable security presence. Keeping the Capitol safe cannot and will not require huge numbers of uniformed troops and vast systems of emergency fencing to remain in place forever. With the inauguration behind us, we should find the right middle ground between the unacceptable lapses 3 weeks ago and the extraordinary short-term measures that have been put in place

since that time. In the meantime, we need to make darn sure that we look after the men and women who look after us.

FILIBUSTER

Mr. McCONNELL. Now, Mr. President, on a totally different matter, while business proceeds on the floor, the Democratic leader and I are continuing to flesh out the structure of this 50-50 Senate.

When Leaders Lott and Daschle wrote a similar agreement 20 years ago, there wasn't a need at all to reaffirm the basic standing rules that govern legislation here in the Senate. It was safely assumed that no majority would break this rule for short-term gain.

Floor remarks surrounding those 2001 discussions specifically cite the legislative filibuster as an important and unquestioned part of the backdrop that lay beneath the negotiations on the finer details. It was assumed no one would ever take that step.

After the fact, Leader Daschle, the Democrat, praised the legislative filibuster as a crucial rule. President Biden has praised this distinctive feature of the Senate on many occasions.

Our current Democratic colleagues used it liberally—liberally—over the last several years when they were in the minority. More than two dozen signed a bipartisan letter in 2017 saying our Republican majority should not break the rule by brute force. Let me say that again. Two dozen Democrats signed a bipartisan letter in 2017 saying our Republican majority should not break this rule by brute force. I agreed. I didn't do it. President Trump was not happy with that. He tweeted against me numerous times because I didn't put an end to the legislative filibuster. So the Democrats used it constantly, as they had every right to. They were happy to insist on a 60-vote threshold for practically every major bill I took up.

So we will continue to request that our Democratic colleagues reaffirm this standing rule of the Senate, which they have been happy to use on many occasions, I can attest. If we are going to truly replicate the 2001 agreement, we need to reaffirm this crucial part of the foundation that lay beneath it.

IMPEACHMENT

Mr. McCONNELL. Mr. President, yesterday I also shared a proposal for the pretrial steps in the Senate impeachment process that appears to be headed our way and, as I understand it, will be headed our way on Monday. By Senate rules, if the article arrives, we have to start a trial right then.

This impeachment began with an unprecedentedly fast and minimal process over in the House. The sequel cannot be an insufficient Senate process that denies former President Trump his due process or damages the